

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEELCASE INC., a Michigan
corporation,

Plaintiff,

v.

HARBIN'S, INC., an Alabama
corporation, MICHAEL G. HARBIN,
and HOPE D. HARBIN PATTERSON,

Defendants.

Case No. 1:04CV0026

Honorable Robert Holmes Bell
Chief, U.S. District Judge

PLAINTIFF STEELCASE INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT

Plaintiff, Steelcase Inc., by and through its attorneys, Miller, Johnson, Snell & Cummiskey, P.L.C., moves pursuant to Fed. R. Civ. P. 56(a), (c), and (d) for partial summary judgment against defendants Michael G. Harbin and Hope D. Harbin Patterson because the undisputed material facts establish that plaintiff Steelcase Inc. is entitled to judgment as a matter of law on its claim that the Guaranties executed by said individual defendants are enforceable and applicable to the indebtedness of defendant Harbin's, Inc. to plaintiff Steelcase Inc. as reflected in the Default Judgment entered by this Court on December 1, 2004 in the amount of \$385,275.79 plus further accrued interest.

Upon the granting of the relief prayed for in this Motion, the only fact issue to be tried by this Court on plaintiff's claim under the Guaranties in Count II is whether, with respect to each individual defendant, he/she gave timely written notice of termination of the Guaranties.

This Motion is supported by the pleadings and papers on file herein and by the supporting brief.

Pursuant to W.D. Mich. L. R. Civ. P. 7.1(d), the undersigned counsel for Steelcase Inc. sought and was denied concurrence in this Motion from counsel for Michael Harbin and from Hope Harbin Patterson in pro per.

Respectfully submitted,

MILLER, JOHNSON, SNELL & CUMMISKEY, P.L.C.
Attorneys for Plaintiff, Steelcase Inc.

Dated: April 29, 2005

By /s/ Sara G. Lachman
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